

HOUSE JUDICIARY COMMITTEE

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1563*

House Bill No. 1328

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all of the printed bill following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 34-12-106, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Except as provided in subsection (c), when the minor for whom a guardian of the person is serving attains the age of eighteen (18) years of age, the guardianship of the person of the minor shall terminate.

(b)(1) When the minor for whom a guardian of the estate of the minor is serving attains the age of twenty-one (21) years of age, the guardianship shall terminate notwithstanding that such minor reached the age of majority prior to such time.

(2) A person for whom a guardian of the estate of such person has been appointed who has attained the age of eighteen (18) years of age but is not yet twenty-one (21) years of age may petition the court to terminate the guardianship of the estate of such person prior to such person becoming twenty-one (21) years of age.

(3) The burden of demonstrating why the guardianship of the estate of such a person should terminate prior to such person becoming twenty-one (21) years of age shall be on the person seeking termination. If the court finds that the minor is of such maturity to appreciate the financial responsibilities incumbent upon termination and that good cause

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for early termination has been shown, the court may grant the person's petition and terminate the guardianship of the estate.

(4) Within sixty (60) days after the guardianship of the estate of the person terminates, the guardian shall file a preliminary final accounting with the court, which shall account for all assets, receipts and disbursements from the date of the last accounting until the date the guardianship of the estate terminates, and shall detail the amount of the final distribution to close the guardianship of the estate of the person. If no objections have been filed to the clerk's report on the preliminary final accounting within thirty (30) days from the date the clerk's report is filed, the guardian shall distribute the remaining assets. The receipts and final canceled checks evidencing the final distribution shall be filed with the court by the guardian. When the evidence of the final distribution is filed with the court, and on order of the court, the guardianship proceeding for the estate of the person shall be closed. A final accounting may not be waived by the minor for whom the guardian of an estate is serving regardless of the age of the minor.

(c) If a minor for whom a guardian of the person or estate is serving has previously been determined to be a disabled person, when the minor attains the age of eighteen (18) years, the guardian shall automatically continue as

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conservator. If the guardian is the department of human services, this
subsection shall not apply.

SECTION 2. This act shall take effect January 1, 1997, the public welfare
requiring it.

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